

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**DAVID BARELA DURAN,**

**Petitioner,**

**vs.**

**NO. 08-CV-34 MCA/WDS**

**MICHAEL MARTIN, Warden, and  
GARY K. KING, Attorney General of  
the State of New Mexico,**

**Respondents.**

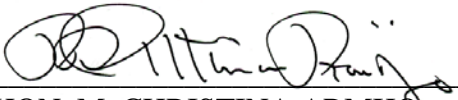
**ORDER**

**THIS MATTER** came before the Court on Petitioner's Motion for Relief Pursuant to 28 U.S.C. § 2254. (Document No. 1) Respondent filed a response in opposition to the motion. (Document No. 6) Having reviewed the record de novo and considered the United States Magistrate Judge's Proposed Findings and Recommended Disposition, to which Petitioner did not file objections, and being otherwise fully advised, I find that the Motion for Relief should be denied.

**WHEREFORE, IT IS ORDERED** that the findings and recommendations of the United States Magistrate Judge are adopted.

**IT IS FURTHER ORDERED** that Petitioner's Motion for Relief Pursuant to 28 U.S.C. § 2254 is **DENIED** and this matter is dismissed.

**SO ORDERED** this 7th day of January, 2009.

  
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HON. M. CHRISTINA ARMIJO  
United States District Judge